

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 23-cr-113 (PJS/TNL)

Plaintiff,

v.

ORDER

Cortez Hollis,

Defendant.

This matter comes before the Court on the parties' Joint Motion to Amend Scheduling Order and Exclude Time Under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, ECF No. 20. Defendant also filed a Statement of Facts in Support of Exclusion of Time Under Speedy Trial Act ("Statement of Facts"). ECF No. 21.

The parties request an extension of their disclosure deadlines and the motions filing deadlines, as well as a continuance of the motions hearing date and trial date. ECF No. 20 at 1-2. The parties state that "[t]his is a complex matter involving voluminous materials," and they need additional time "to facilitate orderly discovery disclosures and permit counsel sufficient time to analyze discovery disclosures" *Id.* at 1. The parties note that Defendant is not in custody. *Id.* In his Statement of Facts, Defendant requests that this period of time be excluded from computation under the Speedy Trial Act. ECF No. 21 at 2; *see also* ECF No. 20 at 1.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy

trial, and that such continuance is necessary to provide the parties reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The parties' Joint Motion to Amend Scheduling Order and Exclude Time Under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, ECF No. 20, is **GRANTED**.

2. The period of time from **the date of this Order through December 20, 2023**, shall be excluded from Speedy Trial Act computations in this case.

3. The government must make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **September 8, 2023**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the motions hearing, the government is requested to make, by **September 8, 2023**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).

4. Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to disclose to the defendant all exculpatory evidence- that is, evidence that favors the defendant or casts doubt on the United States' case, as required by *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and orders the United States to do so. Failure to do so in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court.

5. Defendant must make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **September 15, 2023**. D. Minn. LR 12.1(a)(2).

6. The parties must disclose the identity of any expert witness and make all expert disclosures required by Federal Rule of Criminal Procedure 16 no later than 28 days before trial. The parties must disclose the identity of any expert who will testify in rebuttal of an expert witness and make all disclosures as to such expert required by Federal Rule of Criminal Procedure 16 no later than 14 days before trial.

7. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **December 20, 2023**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

8. Counsel shall electronically file a letter on or before **December 20, 2023**, if no motions will be filed and there is no need for a hearing.

9. All responses to motions shall be filed by **January 3, 2024**. D. Minn. LR 12.1(c)(2).

10. Any Notice of Intent to Call Witnesses shall be filed by **January 3, 2024**. D. Minn. LR 12.1(c)(3)(A).

11. Any Responsive Notice of Intent to Call Witnesses shall be filed by **January 8, 2024**. D. Minn. LR 12.1(c)(3)(B).

12. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- b. The Government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary;
or
- b. Oral argument is requested by either party in its motion, objection or

response pleadings.

13. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **January 19, 2024**, at **10:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

14. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

Trial briefs, voir dire questions, proposed jury instructions, and trial-related motions (including motions in limine) must be submitted to Chief Judge Schiltz's chambers by 4:00 p.m. on **December 27, 2023**. Responses to trial-related motions (including motions in limine) must be submitted by 4:00 p.m. on **January 2, 2024**.

The parties must disclose the identity of any expert witness and make all required expert disclosures no later than **December 27, 2023**. The parties must disclose the identity of any expert who will testify in rebuttal of an expert witness and make all required disclosures as to such expert no later than **January 2, 2024**.

A pretrial conference will be held on **January 5, 2024**, at **9:00 a.m.** in Courtroom 15, Minneapolis, before Chief Judge Patrick J. Schiltz. The government must submit its lists of prospective witnesses and prospective exhibits at this conference.

This case is scheduled for trial before Chief Judge Patrick J. Schiltz on **January 8, 2024**, at **9:00 a.m.**, in **Courtroom 15**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED**, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for Chief Judge Schiltz to confirm the new trial date.

Dated: August 10, 2023

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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